



EXPEDITED PROCEDURE – EXAMINING GROUP

01/13/03
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wayne M. Slagle

Examiner: Paul T. Chin

Serial No.: 09/473,194

Group Art Unit: 3652

Filed: 12/06/1999

Docket: 108895-126082

Title: DUMWAITER ELEVATING AND LOWERING PLATFORM

AMENDMENT & RESPONSE UNDER 37 C.F.R. § 1.116

Box AF
Commissioner for Patents
Washington, D.C. 20231

Applicant has reviewed the final Office action mailed on April 2, 2002. Detailed responses to the rejections are as follows:

Rejections Under 35 U.S.C. § 102(b)

Claims 4-6, 8-12, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson [3,845,842]. Applicant respectfully traverses these grounds for rejection for the reasons argued below:

“Anticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Claim 4

Applicant’s claim 4 recites in part: “... a second end of each cable attached to and wound onto the corresponding one of the lower sheaves, ...” The Office action asserts that Johnson describes “...a lower shaft (41,55) driven by a motor (86) to wind and unwind,” Applicant traverses this assertion. Applicant does not see where the lower sheaves in the Johnson reference does in fact “wind” around the sheaves. Merriam-Webster’s Collegiate Dictionary defines “wind” as “to turn completely or repeatedly about an object.” It appears that, in Johnson, the cable simply passes over a portion of the rim of the sheave and therefore does not wind the cable, providing different structure and function from that in Applicant’s claim 4.